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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

ASTRAZENECA AB, AKTIEBOLAGET  
HÄSSLE, ASTRAZENECA LP, KBI INC.  
and KBI-E INC.,

Plaintiffs and  
Counterclaim-Defendants,  
v.

HANMI USA, INC., HANMI  
PHARMACEUTICAL CO., LTD., HANMI  
FINE CHEMICAL CO., LTD. and HANMI  
HOLDINGS CO., LTD.,

Defendants and  
Counterclaim-Plaintiffs.

Civil Action No. 3:11-CV-00760-JAP-TJB

Judge Joel A. Pisano  
Magistrate Judge Tonianne J. Bongiovanni

**ASTRAZENECA'S BRIEF IN OPPOSITION TO HANMI'S  
MOTION FOR SUMMARY JUDGMENT NO. 5: NON-INFRINGEMENT  
OF UNASSERTED CLAIMS OF U.S. PATENT NO. 5,714,504**

AstraZeneca<sup>1</sup> submits this brief in opposition to Hanmi's<sup>2</sup> "Motion for Summary Judgment No. 5: Non-Infringement of Unasserted Claims of U.S. Patent No. 5,714,504." D.I. 104, 117 ("Motion 5").

In Motion 5, Hanmi contends that it is entitled to summary judgment of non-infringement of claims 8 and 9 of U.S. Patent No. 5,715,504 ("the '504 patent") because Hanmi does not infringe these claims and AstraZeneca does not contend otherwise. D.I. 117 at 2. AstraZeneca does not oppose Motion 5 with respect to claims 8 and 9.

Hanmi's arguments in Motion 5 with respect to claims 3, 5 and 10 of the '504 patent were "contingent on the Court's denial of AstraZeneca's motion to belatedly assert these claims." D.I. 117 at 2. The Court granted AstraZeneca's motion to amend its Disclosure of Asserted Claims to add claims 3, 5 and 10 on November 14, 2011. D.I. 138, 139. Thus, Hanmi's Motion 5 with respect to claims 3, 5 and 10 is moot.

For the foregoing reasons, AstraZeneca respectfully requests that the Court deny Hanmi's summary judgment Motion 5 with respect to claims 3, 5 and 10 of the '504 patent.

Respectfully submitted,

Dated: December 2, 2011

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<sup>1</sup> "AstraZeneca" refers collectively to plaintiffs AstraZeneca AB, Aktiebolaget Hässle, AstraZeneca LP, KBI Inc. and KBI-E Inc.

<sup>2</sup> "Hanmi" refers collectively to defendants Hanmi, Inc., Hanmi Pharmaceutical Co., Ltd., Hanmi Fine Chemical Co., Ltd. and Hanmi Holdings Co., Ltd.

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 2, 2011, I caused a copy of the foregoing  
ASTRAZENECA'S BRIEF IN OPPOSITION TO HANMI'S MOTION FOR SUMMARY  
JUDGMENT NO. 5: NON-INFRINGEMENT OF UNASSERTED CLAIMS OF U.S. PATENT  
NO. 5,714,504 and supporting documents to be served upon the following counsel by operation  
of the Court's electronic filing system and/or electronic mail:

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